

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 99-665

March 6, 2000

MID-MAINE TELPLUS d/b/a  
MID-MAINE LONG DISTANCE  
Petition for Finding of Public  
Convenience and Necessity to  
Provide Service as a Facilities  
Based Interexchange Telephone  
Utility

ORDER GRANTING AUTHORITY  
TO PROVIDE INTEREXCHANGE  
SERVICE AND APPROVING  
SCHEDULE OF RATES  
AND TERMS AND CONDITIONS

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

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In this Order, the Commission grants Mid-Maine Telplus d/b/a Mid-Maine Long Distance the additional authority to provide facilities-based interexchange service throughout the State of Maine. The Company proposes to use its existing Schedule of Rates, Terms and Conditions which are on file with the Commission with regard to resold interexchange services. Pursuant to Chapter 280, §§ 11 and 12, we exempt Mid-Maine Telplus d/b/a Mid-Maine Long Distance from the requirements of Chapter 210, *Uniform System of Accounts*, and 35-A M.R.S.A. §§ 707 and 708, subject to the conditions described below.

**I. APPROVAL OF APPLICATION TO SERVE**

On September 20, 1999, Mid-Maine Telplus d/b/a Mid-Maine Long Distance applied for authority to operate in Maine pursuant to 35-A M.R.S.A. §§ 2102 and 2105. 35-A M.R.S.A. § 2105 requires us to find that the public convenience and necessity require another utility to serve where a utility is already authorized or is providing the same or similar service, before we grant approval under section 2102 for an additional public utility to provide service.

47 U.S.C. § 253(a), enacted by the Telecommunications Act of 1996, states:

(a) In General. No State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunication service.

47 U.S.C. § 253(b) states, however:

(b) State Regulatory Authority. Nothing in this section shall affect the ability of a State to impose, on a competitively neutral basis and consistent with section 254, requirements

necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers.

We find that granting Mid-Maine Telplus d/b/a Mid-Maine Long Distance the authority to provide facility based interexchange service will not impede the preservation or advancement of the public interest goals or policies stated in section 253(b).

## **II. TERMS AND CONDITIONS AND RATE SCHEDULES FOR FACILITIES-BASED SERVICES**

We allow the terms and conditions used by Mid-Maine Telplus d/b/a Mid-Maine Long Distance for resale to also be used for its facility based services.

## **III. WAIVERS; REPORTING REQUIREMENTS**

All waivers and reporting requirements currently applicable to Mid-Maine Telplus d/b/a Mid-Maine Long Distance will continue to apply with one amendment. The waiver of access charges for switchless resold traffic will continue only if Mid-Maine Telplus d/b/a Mid-Maine Long Distance uses a separate carrier identification code(CIC) for both its facility-based and switchless resale operations. Since Mid-Maine Telplus d/b/a Mid-Maine Long Distance is now authorized to provide facility-based interexchange services, the separate codes will allow it to separately track access usage in each of its operations.

## **I. ORDERING PARAGRAPHS**

Accordingly, we

1. Grant, pursuant to 35-A M.R.S.A. §§ 2102 and 2105, the request of Mid-Maine Telplus d/b/a Mid-Maine Long Distance to provide-facilities based interexchange service throughout the State of Maine;

2. Approve the use of Mid-Maine Telplus d/b/a Mid-Maine Long Distance's existing Terms and Conditions and Rate Schedules approved in Docket No. 97-090 (April 7, 1997) for its facility based services.

Dated at Augusta, Maine this 6th day of March, 2000.

BY ORDER OF THE COMMISSION

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Dennis L. Keschl  
Administrative Director

COMMISSIONERS VOTING FOR:

Welch  
Nugent  
Diamond

### NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.